

Message Text

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ACTION EUR-25

INFO OCT-01 ISO-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-10 PA-04 RSC-01 PRS-01 SPC-03 SS-20

USIA-15 ACDA-19 IO-14 NIC-01 SAJ-01 OMB-01 DRC-01

EB-11 /151 W

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R 141725Z NOV 73

FM AMEMBASSY BONN

TO SECSTATE WASHDC 8715

INFO AMEMBASSY BUCHAREST

AMEMBASSY BUDAPEST

AMEMBASSY BELGRADE

AMEMBASSY LONDON

AMEMBASSY MOSCOW

AMEMBASSY PARIS

AMEMBASSY PRAGUE

AMEMBASSY SOFIA

AMEMBASSY WARSAW

USMISSION BERLIN

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C O N F I D E N T I A L SECTION 01 OF 02 BONN 16503

E.O. 11652: GDS

TAGS: PGOV, PFOR, GW, CZ, GE, WB

SUBJECT: FRG DEMARCHE TO CZECHS AND SOVIETS ON CON-
SULAR REPRESENTATION ISSUE

REF: BONN 16454

1. SUMMARY: FRG FONOFF REP BRIEFED US NOVEMBER 14 ON
CURRENT STATUS OF FRG-CZECH NEGOTIATIONS IN LIGHT OF
RENEWED CZECH DIFFICULTIES OVER WEST BERLIN LEGAL
ASSISTANCE FORMULATION (REFTEL). FRG TRADE MISSION
REP MADE DEMARCHE TO CZECHS NOVEMBER 12, STATING THAT
NEW CZECH POSITION WAS UNACCEPTABLE AND ASKING FOR
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CZECH RECONSIDERATION. IN MEANTIME, FRG FONOFF POLITI-

CAL DIRECTOR DISCUSSED MATTER WITH SOVIET AMBASSADOR WHO SHOWED LITTLE SYMPATHY FOR FRG POSITION BUT WHO UNOERTOOK TO REPORT TO MOSCOW A COUPLE OF GERMAN COSMETIC CHANGES IN ORIGINALLY-AGREED FRG-CZECH LANGUAGE. FRG FONOFF NOW WAITING FOR MOSCOW AND PRAGUE TO REACT. END SUMMARY.

2. FRG FONOFF REP (BLECH) TOLD EMBOFF THAT FRG TRADE MISSION REP IN PRAGUE HAD TAKEN UP RECENT NEW CZECH POSITION (REFTEL) ON WEST BERLIN LEGAL ASSISTANCE ISSUE WITH CZECH FONOFF NOVEMBER 12. GERMAN REP HAD NOTED THAT THE ORIGINAL VAN WELL-GOETZ FORMULATIONS HAD APPEARED SATISFACTORY TO BOTH SIDES AND THE GERMANS WERE THEREFORE NOW EXTREMELY SURPRISED THAT THE CZECHS WERE IN EFFECT RENEGING ON AN AGREEMENT, ALBEIT AD REFERENDUM IN NATURE. GERMAN REP HAD STATED THAT FEDERAL GOVERNMENT DID NOT KNOW HOW TO INTERPRET NEW CZECH POSITION SINCE FONMIN CHNOUPEK HAD PERSONALLY APPROVED THE ORIGINAL AGREEMENT. GERMAN REP CLOSED BY ASKING THAT CZECHS RECONSIDER THEIR POSITION AND BY STATING THAT FRG WAS PREPARED TO ACCEPT THE VAN WELL-GOETZ FORMULATION IN ENTIRETY.

3. CZECH FONOFF REP REPORTEDLY TOOK LINE OF EXPRESSING SURPRISE AT FRG'S ASSUMPTION THAT AD REFERENDUM TEXT HAD SO FINAL A STANDING. HE EXPRESSED INCREDULITY THAT CHNOUPEK HAD APPROVED ORIGINAL TEXT. HE TOOK NOTE OF GERMAN POSITION, HOWEVER, AND SAID CZECHS WOULD BE IN TOUCH.

4. GERMAN TRADE MISSION REP TOLD HIS FONOFF INTER-LOCUTOR THAT THE CZECH-PROPOSED DATES FOR A BRANDT-SCHEEL VISIT TO PRAGUE (NOVEMBER 28-29) WERE NOT PRACTICAL. DISCUSSION OF POSSIBLE OTHER DATES COULD CONTINUE BUT THERE COULD BE NO AGREEMENT ON A DATE UNTIL THE LEGAL ASSISTANCE PROBLEM IS RESOLVED.

5. ON NOVEMBER 12, FRG FONOFF POLITICAL DIRECTOR VAN WELL CALLED IN SOVIET AMBASSADOR FALIN TO REVIEW THE CURRENT DIFFICULTIES WITH THE CZECHS. FALIN REPORTEDLY CONFIDENTIAL

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TOOK A HARD LINE AND COMMENTED THAT HE UNDERSTOOD FULLY THE BASIS OF THE CZECH POSITION. HE COMMENTED THAT THE FRG STANCE DID NOT ACCORD WITH WHAT SCHEEL AND GROMYKO HAD AGREED EARLIER (BONN 15983) IN MOSCOW. WHEN VAN WELL INSISTED THE FRG POSITION WAS FULLY IN HARMONY WITH THE SCHEEL-GROMYKO SOLUTION, FALIN COMMENTED THAT SCHEEL MUST HAVE MISUNDERSTOOD GROMYKO. VAN WELL REPORTEDLY SUGGESTED A COUPLE OF COSMETIC CHANGES IN

THE GOETZ-VAN WELL LANGUAGE ON LEGAL ASSISTANCE TO
TRY TO TAKE ACCOUNT OF APPARENT SOVIET PROBLEMS.
FALIN TOOK NOTE OF THESE AND, REPORTEDLY WITH RELUC-
TANCE, AGREED TO FORWARD THESE TO MOSCOW FOR CONSIDERA-
TION.

6. COMMENT: FRG FONOFF IS PLAINLY DISMAYED BY THE
APPARENT SOVIET (ANO CZECH) ABOUT-FACE. AS NOTED IN
REFTEL, THE FEELING IS THAT STRONG GDR PRESSURE IS

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C O N F I D E N T I A L SECTION 02 OF 02 BONN 16503

BEHIND THE CHANGE IN POSITIONS, BASED ON GDR SENSITIVITY TO ANY MOVE IN FRG-EE LEGAL ASSISTANCE QUESTIONS THAT WOULD PREJUDICE FRG-GDR ARRANGEMENTS IN THAT FIELD. FONOFF HERE NOW IS SITTING BACK TO SEE WHETHER THE USSR AND, CONSEQUENTLY, THE EES WILL BE WILLING TO FACE FURTHER DIFFICULTIES WITH THE FRG OVER AN ISSUE THAT IS OF IMPORTANCE ONLY TO THE GDR ON THE COMMUNIST SIDE.

7. FONOFF VIEW IS ALSO THAT CZECHS ARE ATTEMPTING TO EXPLAIN AWAY THEIR REVERSAL, WHICH MUST BE SOMEWHAT EMBARRASSING FOR THEM, BY TAKING THE LINE THAT CHNOUPEK
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WAS NEVER INVOLVED. THIS LAYS THE BLAME, IF ANY IS TO BE DOLED OUT, ON GOETZ.

8. IT IS DIFFICULT FOR US TO JUDGE JUST HOW FAR THE SOVIETS AND EAST GERMANS MAY BE PREPARED TO PUSH THIS LEGAL ASSISTANCE PROBLEM. THE WEST GERMANS HAVE ONCE MORE GOTTEN THEIR BACKS UP AND ANOTHER REAL SET-TO APPEARS LIKELY IF THERE IS NO MOVEMENT ON THE SOVIET/EE SIDE. ALTHOUGH THE NEW DIFFICULTY HAS NOT YET REACHED THE PRESS, IT CAN BE EXPECTED TO SURFACE VERY SOON. AND THE GERMANS WILL ONCE AGAIN BE OFF ON A PUBLIC DISPUTE ON AN ABSTRUSE TOPIC WITH THE SOVIETS AND THEIR ALLIES. THIS MAY NOT BE VIEWED ENTIRELY NEGATIVELY BY THE BRANDT GOVERNMENT WHICH MAY WISH TO APPEAR FIRM IN THE FACE OF SOVIET/EE PRESSURES AT A TIME WHEN IT IS BEING CHARGED WITH HAVING TAKEN A CRAVEN ATTITUDE TOWARD RECENT ARAB PRESSURES.
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